

**Remarks**

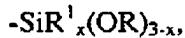
Claims 1-15 stand rejected. Claim 1 has been amended, and support for this amendment may be found at paragraph [0050]. Claim 15 has been amended, and support for the amendment may be found at paragraphs [0069] – [0072]. New claim 16 has been added. Claim 16 finds support at paragraph [0020] of the specification.

The examiner commented that the oath/declaration is defective for failing to identify the citizenship of Nagambai Subramaniam. A new oath/declaration is enclosed with this reply. Therefore, the applicants request that the objection to the specification be withdrawn.

The examiner rejected claims 1-15 under 35 U.S.C. §102(b) over U.S. Patent 6,132,664 (Freiberg) arguing that Freiberg discloses a moisture curable composition comprising an organopolysiloxane having not less than two silicon-bonded alkoxy/hydrolyzable groups and an alkoxysilane having the formula  $R^4_zSi(OR)_{4-z}$  where z can be 0, 1, or 2 and that when z is equal to 2, the organosilane has the formula  $G_2-Si-R^1_2$ . The examiner further argues that Freiberg discloses that the composition further comprises a filler and a photocatalyst. The examiner further argues Freiberg discloses that when the alkoxysilane does not contain an unsaturated group, then component (e) is provided which can be a short chain siloxane.

Freiberg discloses a composition comprising:

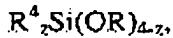
(A) polymers comprising on average at least 1.2 alkoxysilyl chain terminations per molecule described by the formula



where each R is independently selected from the group consisting of methyl, ethyl, n-propyl, isopropyl, n-butyl, sec-butyl, and isobutyl,  $R^1$  is selected from the group consisting of methyl and ethyl, and x is 0 or 1,

(B) a titanate compound . . . ,

(C) an alkoxysilane described by formula



where each R<sup>4</sup> is independently selected from monovalent hydrocarbon radicals comprising from 1 to about 12 carbon atoms, each R is as defined above, and z is 0, 1, or 2, and (D) a filler (col. 2, line 42-col. 3, line 16).

In the examples, Freiberg does not use any polymers or alkoxy silanes or any other species that contain vinyl or any other unsaturated group in the compositions. Freiberg does not disclose curing the compositions in the presence of light. Freiberg does not disclose any method for surface modification of cured products of the compositions. Freiberg does not teach or suggest any composition or method for preparing an elastomeric product having a surface with a maximum gloss value of 45.

A genus does not always anticipate a claim to a species within the genus (MPEP §2131.02). For example, In re Meyer, 599 F.2d 1026, 202 USPQ 175 (CCPA 1979) provided that '[a] reference disclosing "alkaline chlorine or bromine solution" embraces a large number of species and cannot be said to anticipate claims to "alkali metal hypochlorite."'. Akzo N.V. v. International Trade Comm'n, 808 F.2d 1471, 1 USPQ2d 1241 (Fed. Cir. 1986) provided that '[c]laims to a process for making aramid fibers using a 98% solution of sulfuric acid were not anticipated by a reference which disclosed using sulfuric acid solution but which did not disclose using a 98% concentrated sulfuric acid solution.'

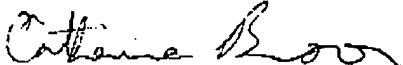
The applicants respectfully disagree with the examiner's construction of Freiberg. Freiberg discloses a large genus, and Freiberg does not suggest the invention claimed herein. Freiberg does not teach or suggest unsaturated groups are required, or provide any benefit, in the compositions of Freiberg. Freiberg suggests that unsaturated groups are NOT required because none of the examples of Freiberg employ any components with any unsaturated groups. In contrast, example 1 of this invention shows the unexpected benefit of improved gloss and surface modification by the incorporation of an unsaturated (e.g., vinyl containing) component (paragraph [0056]). By adding a vinyl containing component to example 1A, gloss improves to a value of 22.62 as compared to example 1B in which no unsaturated component is used and gloss

is 82.74 (paragraph [0057] and table). For these reasons, claims 1-15 are novel and unobvious over Freiberg.

The cited reference fails to disclose the specific combination of components claimed herein, and benefits provided thereby. The instant invention is novel and unobvious. Therefore, the applicants request that the rejection under 35 U.S.C. §102(b) be withdrawn and the claims allowed to issue.

This reply is being submitted within the period for response to the outstanding office action. Although the applicants believe in good faith that no extensions of time are needed, the applicants hereby petition for any necessary extensions of time. You are authorized to charge deposit account 04-1520 for any fees necessary to maintain the pendency of this application. You are authorized to make any additional copies of this sheet needed to accomplish the purposes provided for herein and to charge any fee for such copies to deposit account 04-1520.

Respectfully Submitted,  
Dow Corning Corporation



Catherine Brown  
Reg. No. 44,565  
Tel: 989-496-1725